

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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M&T Bank

In Re:  
Anthony C. Lamonica,  
  
Debtor.



Order Filed on January 25, 2022  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 19-23382 VFP

Adv. No.:

Hearing Date: 01/06/2022 @ 10:00 a.m.

Judge: Vincent F. Papalia

**ORDER RESOLVING CERTIFICATION OF DEFAULT**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED.**

**DATED: January 25, 2022**

  
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**Honorable Vincent F. Papalia**  
**United States Bankruptcy Judge**

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Debtor: Anthony C. Lamonica

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Caption of Order: ORDER RESOLVING CERTIFICATION OF DEFAULT

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This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, M&T Bank, Denise Carlon, Esq. appearing, upon a certification of default as to real property located at 768 Springfield, Summit City, NJ, 07901, and it appearing that notice of said certification was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Scott E. Tanne, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of January 11, 2022, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due April 2020 through December 2021 for a total post-petition default of \$49,663.56 (2 @ \$2,101.57, 5 @ \$2,828.69, 12 @ \$2,324.40, 3 @ \$1,821.91; less \$2,041.56 suspense); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$49,663.56 shall be added to the affidavit of amount due and paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the Debtor shall sell the subject property within six months; and

It is further **ORDERED, ADJUDGED and DECREED** that if the sale is not successful within six months, the debtor will file a modified plan to address the arrears; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume February 1, 2022, directly to Secured Creditor M&T Bank, P.O. Box 1288, Buffalo, NY 14240 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtor shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs up to the sum of \$350.00 for attorneys' fees in an amount to be included in a post-petition fee notice, which is to be paid through Debtor's Chapter 13 plan; and

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It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Certification of Default is hereby resolved.